

1 XAVIER BECERRA  
Attorney General of California  
2 JOANNA B. HOOD  
Supervising Deputy Attorney General  
3 NAMRATA KOTWANI  
Deputy Attorney General  
4 State Bar No. 308741  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102  
Telephone: (415) 510-4431  
6 Fax: (415) 703-5843  
E-mail: Namrata.Kotwani@doj.ca.gov  
7 *Attorneys for Defendants Gavin Newsom and the*  
8 *California Department of Corrections and*  
*Rehabilitation*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 **JOHN ARMSTRONG, et al.,**

14 Plaintiffs,

15 v.

16 **GAVIN NEWSOM, et al.,**

17 Defendants.  
18  
19

Case No. 94-cv-02307 CW

**DECLARATION OF D. LAUGHLIN IN  
SUPPORT OF DEFENDANTS' SUR-  
REPLY TO PLAINTIFFS' MOTION FOR  
A PERMANENT INJUNCTION AT  
SEVEN PRISONS AND STATEWIDE**

20 I, D. Laughlin, declare:

21 1. I am employed with the California Department of Corrections and Rehabilitation  
22 (CDCR). I currently work at Mule Creek State Prison. I am a Correctional Officer. I am  
23 competent to testify to the matters set forth in this declaration and, if called upon by this Court, I  
24 could and would so testify. I submit this declaration in support of Defendants' Sur-Reply to  
25 Plaintiffs' Motion for an Injunction at Seven Prisons and Statewide.

26 2. On Thursday, August 27, 2020, I was performing my duties as the EOP (Enhanced  
27 Outpatient Program) Escort No. 3 for Facility A, Building 5. I was standing behind the podium in  
28 Building 5 in front of Cell [REDACTED] 6 when Officer R. Cook called Inmat [REDACTED] to the podium,

1 informed him that he was removed from his Building 5 porter position, and asked him return to  
2 his assigned cell. Inmate [REDACTED] stood up and yelled, "Fuck you bitch, quit harassing me." Inmate  
3 [REDACTED] started to walk towards the Officer's Podium while pointing his finger and saying, "You a  
4 bitch Cook, fuck you and you're Klan members. You guys are all pieces of white shit."

5 2. Officers R. Cook, S. Medina, and I stood up as Inmate [REDACTED] approached the podium.  
6 Officer Cook gave Inmate [REDACTED] a direct order to stop and submit to handcuffs. Inmate [REDACTED] did  
7 not comply. Inmate [REDACTED] stopped approaching the podium and stated, "Fuck you bitch ass  
8 cops," and walked over to the phones located on C-Section Dayroom in front of cells [REDACTED]. I  
9 gave Inmate [REDACTED] a direct order to stop and submit to handcuffs. Inmate [REDACTED] stated, "Fuck you  
10 white bitch." Officers R. Cook, S. Medina, and I continued to stand behind the podium while  
11 Inmate [REDACTED] slammed the phone against the wall. Inmate [REDACTED] began to walk towards us  
12 pointing his finger saying, "Fuck you bitch ass cops. You motherfuckers ain't shit just because  
13 there is three of you."

14 3. Officers R. Cook, S. Medina, and I walked over to the C-Section Dayroom tables  
15 where Inmate [REDACTED] was jumping up and down, screaming, "Come get me bitches." As we  
16 approached Inmate [REDACTED] Officer S. Medina gave Inmate [REDACTED] a direct order to submit to  
17 handcuffs. Inmate [REDACTED] did not comply. Officer S. Medina used his right hand to retrieve his  
18 state-issued handcuffs and ordered Inmate [REDACTED] to submit to handcuffs. Officer S. Medina  
19 attempted to reach for Inmate [REDACTED] left wrist to place handcuffs on him. Simultaneously,  
20 Inmate [REDACTED] pulled away and sat on the ground. Officer S. Medina gave another verbal order to  
21 Inmate [REDACTED] to submit to handcuffs while reaching for Inmate [REDACTED] left wrist. Inmate [REDACTED]  
22 pulled away from Officer S. Medina's grasp and got in a prone position facing the podium and  
23 tucked his hands under his stomach while stating, "Fuck you bitches." Inmate [REDACTED] began to  
24 thrash his lower body from side to side while kicking his feet. I placed my left hand on Inmate  
25 [REDACTED] left ankle and my right hand on Inmate [REDACTED] right ankle and used my body weight and  
26 physical strength to keep Inmate [REDACTED] from kicking his from legs side to side. Officer S. Medina  
27 continued to give Inmate [REDACTED] multiple verbal orders to submit to handcuffs. Inmate [REDACTED] did  
28 not comply.

6. Officers E. Brazil and C. Winkler assisted Inmate [REDACTED] to his feet and escorted him out of Building 5 to the Facility A Clinic for a medical assessment.

7. I wrote an incident report documenting this incident the same day, August 27, 2020. Attached to this declaration as **Exhibit A** is a true and correct copy of my report. This report accurately describes what I observed that day, and I incorporate the contents of my report into this declaration by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 12<sup>th</sup>, 2020, in Ione, California.

D. Laughlin, Correctional Officer  
Mule Creek State Prison  
California Department of Corrections and Rehabilitation

# **EXHIBIT A**

CDCR

REPORT NO. [REDACTED]

## INCIDENT REPORT PACKAGE

INCIDENT LOG NUMBER: [REDACTED]

PAGE: 28

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

## STAFF NARRATIVE

STAFF NAME: L [REDACTED], Dustin

CREATED DATE: 08/27/2020

NARRATIVE TYPE: Initial Report

CREATED TIME: 13:41:05

## NARRATIVE

On Thursday, August 27, 2020, at approximately 0824 hours, while conducting my duties as Facility 'A' HCA A-5 ESCORT EOP #3, I was standing behind the podium in Building 5 in front of cells [REDACTED] when Officer R. Cook called inmate [REDACTED] to the podium and informed [REDACTED] he was removed from 'A' Building 5 porter position and he needed to return to his assigned cell. Inmate [REDACTED] stood up and yelled, "Fuck you bitch, quit harassing me." [REDACTED] started to walk towards the podium while pointing his finger and saying, "You a bitch Cook, fuck you and you're clan members. You guys are all pieces of white shit." Officer R. Cook, Officer S. Medina, and I stood up as [REDACTED] approached the podium. Officer Cook gave [REDACTED] a direct order to stop and submit to mechanical restraint (handcuffs). [REDACTED] did not comply. [REDACTED] stopped approaching the podium and stated, "Fuck you bitch ass cops," and walked over to the phones located on 'C' side dayroom in front of cells 149-150. I gave [REDACTED] a direct order to stop and submit to mechanical restraint handcuffs [REDACTED] stated, "Fuck you white bitch." Officer R. Cook, Officer S. Medina, and I continued to stand behind the podium while inmate [REDACTED] slammed the phone against the wall. [REDACTED] began to walk towards us pointing his finger saying, "Fuck you bitch ass cops. You mother fuckers aint shit just because there is three of you." Officer R. Cook, S. Medina, and I walked over to 'C' side dayroom tables where [REDACTED] was jumping up and down screaming, "Come get me bitches." As we approached [REDACTED] Officer S. Medina gave [REDACTED] a direct order to submit to handcuffs. [REDACTED] did not comply. Officer S. Medina using his right hand retrieved his state issued handcuffs and gave a verbal order to submit to handcuffs. Officer S. Medina attempted to reach for [REDACTED] left wrist to place handcuffs on [REDACTED] Simultaneously, [REDACTED] pulled away and sat on the ground. Officer S. Medina gave another verbal order to [REDACTED] to submit to handcuffs while simultaneously reaching for [REDACTED] left wrist to effect custody. [REDACTED] pulled away from Officer S. Medina's grasp and got in a prone position facing the podium and tucked his hands under his stomach while stating, "Fuck you bitches." [REDACTED] began to thrash his lower body side to side while kicking his feet. I placed my left hand on [REDACTED] left ankle and my right hand on [REDACTED] right ankle and I applied downward pressure using my body weight and physical strength to keep [REDACTED] from kicking his legs side to side. Officer S. Medina continued to give [REDACTED] multiple verbal orders to submit to handcuffs. [REDACTED] did not comply. Officer S. Medina used physical strength to force [REDACTED] right hand behind his back and secure it in handcuffs. Officer R. Cook used physical strength to force [REDACTED] left hand behind his back and secure it in handcuffs. Due to maintaining focus of [REDACTED] ankles and feet, I did not see the hand placement or how Officer Medina or Officer Cook used force. Officer S. Medina sat [REDACTED] in an upright position and [REDACTED] stated, "Fuck you bitches, you guys are all bitch ass faggots." Officer R. Cook using physical strength utilizing his left hand and right hand forced [REDACTED] in a prone position on his stomach while simultaneously placing leg irons on [REDACTED] Officers E. Brazil and C. Winkler assisted [REDACTED] to his feet and escorted [REDACTED] out of building 5 to Facility 'A' Clinic for a 7219 medical assessment to be conducted. During the escort to Facility 'A' Clinic, [REDACTED] lifted up his legs and stated, "I can't walk, fuck this." Officer E. Brazil and C. Winkler placed [REDACTED] on his stomach in front of Facility 'A' EOP center. Officer F. Orr retrieved a wheel chair from Facility 'A' Clinic and Officer's E. Brazil and C. Winkler assisted [REDACTED] to his feet and placed him in the wheel chair. Officer F. Orr escorted [REDACTED] to Facility 'A' Clinic where a Medical 7219 evaluation was conducted by LVN F. Baguion. Officer F. Orr escorted [REDACTED] in a wheelchair to Facility 'A' Program. This concludes my involvement.

D. Laughlin

DATE: 08/27/2020

STAFF SIGNATURE

BADGE #: 87409

PERNR: 99480

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: C [REDACTED], David

REVIEWED DATE: 08/27/2020

REVIEWED TIME: 13:44:17

CDCR

## INCIDENT REPORT PACKAGE

PAGE: 29

REPORT NO. [REDACTED]

INCIDENT LOG NUMBER: [REDACTED]

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

## STAFF NARRATIVE

STAFF NAME: Laughlin, D [REDACTED]

NARRATIVE TYPE: Supplemental Report

CREATED DATE: 08/31/2020

CREATED TIME: 08:26:25

## NARRATIVE

Q1. In your report you stated, "Officer R. Cook using physical strength utilizing his left hand and right hand forced [REDACTED] in a prone position on his stomach while simultaneously placing leg irons on [REDACTED]. Please clarify if you observed Officer Cook force inmate [REDACTED] into a prone position.

A1. No, Officer Cook was retrieving leg restraints.

Q2. In your report you stated, "Officer S. Medina continued to give [REDACTED] multiple verbal orders to submit to handcuffs. [REDACTED] did not comply. Officer S. Medina used physical strength to force [REDACTED] right hand behind his back and secure it in handcuffs. Officer R. Cook used physical strength to force [REDACTED] left hand behind his back and secure it in handcuffs." At what point did inmate [REDACTED] comply with orders and stop resisting?

A2. Once inmate [REDACTED] was secured in handcuffs, he stopped resisting.

D. Laughlin

DATE: 08/31/2020

STAFF SIGNATURE

BADGE #: 87409

PERNR: 99480

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Mctaggart, K [REDACTED]

REVIEWED DATE: 08/31/2020

REVIEWED TIME: 08:28:05

STAFF NAME: Laughlin, D [REDACTED]

NARRATIVE TYPE: Supplemental Report

CREATED DATE: 08/31/2020

CREATED TIME: 08:51:18

## NARRATIVE

Q1. Was inmate [REDACTED] resistive when Officer Cook attempted to secure him in leg restraints? If so, how did inmate [REDACTED] resist and did Officer Cook utilize force to secure inmate [REDACTED] in leg restraints?

A1. Yes, [REDACTED] was resistive when Officer Cook attempted to secure him in leg restraints. [REDACTED] resisted by kicking his legs. Officer Cook used physical force by grabbing [REDACTED] left ankle with both hands and applying the leg restraint, then grabbing [REDACTED] right ankle with both hands and applying the other side of the leg restraints. After [REDACTED] was secured in leg restraints he stopped resisting.

D. Laughlin

DATE: 08/31/2020

STAFF SIGNATURE

BADGE #: 87409

PERNR: 99480

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Mctaggart, K [REDACTED]

REVIEWED DATE: 08/31/2020

REVIEWED TIME: 08:53:16

CDCR

REPORT NO. [REDACTED]

## INCIDENT REPORT PACKAGE

INCIDENT LOG NUMBER: 00000000011569

PAGE: 30

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

## STAFF NARRATIVE

STAFF NAME: Laughlin, D [REDACTED]

CREATED DATE: 09/03/2020

NARRATIVE TYPE: Supplemental Report

CREATED TIME: 08:25:58

## NARRATIVE

Q1. In your clarification you identify it was not Officer Cook utilizing physical strength with his left and right hands forcing [REDACTED] into a prone position. Who was the officer you observed doing this?

A1. Officer E. Brazil

Q2. Why was [REDACTED] being placed into a prone position?

A2. As [REDACTED] was in the seated position on the floor, he was resisting by moving his legs side to side. As Officer Cook was retrieving the leg restraints, Officer Brazil moved [REDACTED] from the seated position to the prone position in order for leg restraints to be applied and minimize [REDACTED] ability to resist.

Q3. Why was there a need to place [REDACTED] in leg restraints in the first place?

A3. After [REDACTED] was secured in handcuffs and placed in the seated position, [REDACTED] resisted again by kicking his legs. Leg restraints were necessary to prevent [REDACTED] from continuing to kick his legs and possibly kicking staff.

D. Laughlin

DATE: 09/03/2020

STAFF SIGNATURE

BADGE #: 87409

PERNR: 99480

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Hobbs, E [REDACTED]

REVIEWED DATE: 09/03/2020

REVIEWED TIME: 08:35:24

STAFF NAME: Beckham, I [REDACTED]

CREATED DATE: 08/27/2020

NARRATIVE TYPE: Initial Report

CREATED TIME: 12:43:27

## NARRATIVE

On Thursday, August 27, 2020, at approximately 0824 hours, while performing my duties as A Facility Building 5 Floor #2, Inmate [REDACTED] (G-38404, A5-230L) was informed of his removal from Facility A Building 5 porter position. [REDACTED] began to walk around the day room in a loud and aggressive manner yelling "you all are just after me, this is harassment." [REDACTED] left the area and walked over to the phones located on the C-section of the building. Due to the phones not being on at the time, [REDACTED] hung up the phone and aggressively started yelling at Officer Cook. I ordered [REDACTED] to return to his cell, to which he replied "Fuck that, I ain't locking it up." Officers Cook, Laughlin, Medina and Ngyuen, approached [REDACTED] I turned to Control Booth Officer S. Wong and said "close the day room, everybody goes home". Behind me I could hear [REDACTED] attempting to incite other inmates by yelling "I can't breathe." I heard the audible alarm sounding in the building and I ordered all inmates to "Get Down." Knowing four officers were located behind me handling the situation with [REDACTED] I focused my attention on the other inmates located within the vicinity, I feared the behavior [REDACTED] exhibiting had the potential incite violent behavior from the surrounding inmates. My attention was on ensuring the safety of the officers involved, therefore I did not observe any force utilized or the rest of the incident. After [REDACTED] was escorted out of the building I resumed my duties as A5 Floor Officer #2.

I. Beckham

DATE: 08/27/2020

STAFF SIGNATURE

BADGE #: 75834

PERNR: 61656

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Clays, D [REDACTED]

REVIEWED DATE: 08/27/2020

REVIEWED TIME: 13:44:03